**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.W.P. No.9782 of 2005**
**Date of Decision:- 19.02.2008**

Kamlesh Rani ....Petitioner(s)

through
Ms.Balwinder Kaur, Advocate

vs.

State of Punjab & others ....Respondent(s)

through
Mr.Mukesh Berry, Additional Advocate General, Punjab.

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**CORAM:-HON'BLE MR.JUSTICE SURYA KANT.**

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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**SURYA KANT, J. (ORAL)**

In this civil writ petition, the petitioner seeks quashing of the orders dated 3.2.2005 and 23.5.2005 passed by respondents No.3 and 4 respectively whereby under the garb of refixation of her pay she has been placed in the reduced pay scale of Rs.480-880/- as against the previous pay-scale of Rs.570-1080/-. Consequential recovery has also been ordered against her.

Vide an interim order dated July 08, 2005, this Court directed that no recovery pursuant to memo Annexure P-14 be made against the petitioner.

Learned counsel for the petitioner has now come up with the plea that the petitioner's challenge to both the above-stated orders and claim for the higher pay scale of Rs.570-1080/- stands answered in her favour by a Division Bench judgment of this Court dated April 01, 2004 passed in C.W.P.No.11494 of 1998 (Annexure P-8) (**Manjit Kaur and others vs. State of Punjab**). She also relies upon the averments made by

Mrs.Harcharan Kaur Brar, the then D.P.I. (Secondary Education), Punjab in her affidavit dated 21.7.2006 filed in C.O.C.P.No.324 of 2005 in C.W.P.No.11494 of 1998 and a copy of which has been appended as Annexure P-16.

After hearing learned counsel for the parties and without going into merits of the petitioner's claim, this petition is disposed of with a direction to the respondents to reconsider the petitioner's claim for restoration of the pre-revised pay scale of Rs.570-1080/- in the light of Division Bench judgment of this Court in **Manjit Kaur's case** (supra) as also the stand taken by them in their reply/affidavit in C.O.C.P.No.324 of 2005 (Annexure P-16) referred to above. If it is found that in view of the aforementioned judgment and/or the stand taken by the respondents themselves, the petitioner is entitled to the aforesaid higher pay scale, all the consequential monetary benefits shall be released in her favour within a period of four months from the date of receipt of certified copy of this order. However, if it is found that the petitioner's case is totally distinguishable and the above-stated binding precedents are not attracted to the facts and circumstances of the present case, a self-speaking order to this effect shall be passed and conveyed to the petitioner within the stipulated period. Till then, the interim order dated July 8, 2005 whereby recovery against the petitioner was stayed, shall continue to operate.

Disposed of.

Copy of the order be given dasti on payment of usual charges to the learned counsel for the petitioner.

**February 19, 2008** **( SURYA KANT )**
poonam **JUDGE**